

FORM PTO-1390
(REV. 01-2003)

US DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER
120496**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**U.S. APPLICATION NO. (If known, see 37 CFR 1.5)
New U.S. National Stage of PCT/AU03/00077**10/501945**INTERNATIONAL APPLICATION NO.
PCT/AU03/00077INTERNATIONAL FILING DATE
January 24, 2003PRIORITY DATE CLAIMED
January 25, 2002TITLE OF INVENTION
PERFORMANCE MONITORING SYSTEM AND METHODAPPLICANTS FOR DO/EO/US
Brendon LILLY

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☒ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
 - c. ☒ The International Application was filed in English.
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☐ Other items or information:

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) New U.S. National Stage of PCT/AU03/00077		INTERNATIONAL APPLICATION NO. PCT/AU03/00077		ATTORNEY'S DOCKET NUMBER 120496																																																																		
21. <input checked="" type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO.....\$1,080.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... \$ 920.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO..... \$ 770.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... \$ 730.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4)..... \$ 100.00 ENTER APPROPRIATE BASIC FEE AMOUNT = Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)). <table border="1"><thead><tr><th>CLAIMS</th><th>NUMBER FILED</th><th>NUMBER EXTRA</th><th>RATE</th><th>\$</th></tr></thead><tbody><tr><td>Total Claims</td><td>25- 20 =</td><td>5</td><td>X \$ 18.00</td><td>\$90.00</td></tr><tr><td>Independent Claims</td><td>1- 3 =</td><td>0</td><td>X \$ 86.00</td><td>\$</td></tr><tr><td colspan="3">MULTIPLE DEPENDENT CLAIM(S)(if applicable)</td><td>+ \$290.00</td><td>\$</td></tr><tr><td colspan="4">TOTAL OF ABOVE CALCULATIONS =</td><td>\$1010.00</td></tr><tr><td colspan="4"><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.</td><td>\$</td></tr><tr><td colspan="4">SUBTOTAL =</td><td>\$1010.00</td></tr><tr><td colspan="4">Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</td><td>\$</td></tr><tr><td colspan="4">TOTAL NATIONAL FEE =</td><td>\$1010.00</td></tr><tr><td colspan="4">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +</td><td>\$</td></tr><tr><td colspan="4">TOTAL FEES ENCLOSED =</td><td>\$1010.00</td></tr><tr><td colspan="4"></td><td>Amount to be refunded: \$</td></tr><tr><td colspan="4"></td><td>charged: \$</td></tr></tbody></table>				CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	Total Claims	25- 20 =	5	X \$ 18.00	\$90.00	Independent Claims	1- 3 =	0	X \$ 86.00	\$	MULTIPLE DEPENDENT CLAIM(S)(if applicable)			+ \$290.00	\$	TOTAL OF ABOVE CALCULATIONS =				\$1010.00	<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.				\$	SUBTOTAL =				\$1010.00	Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	TOTAL NATIONAL FEE =				\$1010.00	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	TOTAL FEES ENCLOSED =				\$1010.00					Amount to be refunded: \$					charged: \$	CALCULATIONS	PTO USE ONLY
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a. ☒ A check in the amount of \$1010.00 to cover the above fees is enclosed.
b. ☐ Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed.
c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed.
d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:
OLIFF & BERRIDGE, PLC
Customer Number: 25944

Date July 21, 2004

NAME: James A. Oliff
REGISTRATION NUMBER: 27,075

NAME: Joel S. Armstrong
REGISTRATION NUMBER: 36,430